IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Girdhari Lal Vs. State of Rajasthan
S.B. CR. REVISION PETITION NO.557/2006

Against order dated 03.06.2006 passed by Addl. Sessions Judge (Fast Track) No.1, Udaipur in Sessions Case No.80/2006.

DATE OF ORDER :: 10th August, 2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. Sandeep Mehta for petitioner.
Mr. Vishnu Kachhawaha, Public Prosecutor.

BY THE COURT:

With the prayer to quash the charge framed against petitioner Girdharilal for the offence under Sec.306 IPC vide order dated 03.06.2006 by the learned Addl. Sessions Judge, (Fast Track) No.1, Udaipur in Sessions Case No.80/06 (State Vs. Girdhari Lal), the present revision petition under Sec.397 & 401 Cr.P.C. has been filed.

Briefly stated, the necessary facts for the disposal of this case may be summarized like this: One Shri Bheru Das, the brother of the deceased Udai Das alias Lalit filed a written report at Police Station, Dabok on 16.04.2006 inter-alia stating therein that his brother since deceased (who was Driver by profession) was engaged on a truck. It is further stated that on 12.04.2006 he came to his residence as both brothers were living separately and stated that he had spent some amount which was received on account of truck hire and was not paid to the employer i.e. Girdhari Lal Paliwal (the petitioner) and Shri Girdhari Lal was harassing him and was beating him. It is further stated that he requested his brother to help him and lend him a sum of Rs.10,000 so that he could save his life. It is further stated that at that time one Ramesh Vairagi was also there, on his assurance his brother went away and on 15.04.2004 one Shri Roop Singh came to his house and informed that his brother was being taken to Udaipur Hospital in unconscious

state. On hearing this, he also reached at Udaipur Hospital and there he came to know that his brother has died. The police started investigation. A suicidal note was also recovered and after usual investigation, chargesheet was filed. The trial Court after hearing both sides, framed charge under Sec. 306 of IPC against the accused petitioner vide its order dated 02.06.2006 in Criminal Case No.171/06 – State Vs. Girdhari Lal, hence the present revision petition has been filed.

Heard learned counsel for the petitioner as well as learned Public Prosecutor for the State.

The main contention of the learned counsel for the petitioner is that ingredients of Sec.306 are absolutely missing in this case as there is nothing on record to justify that it was the accused who was responsible for the incident where the deceased has committed suicide. It has also been contended that

it is not known as to whether in the suicidal note the person named is the present accused petitioner. It has also been contended that petitioner has not committed any offence and infact the suicidal note relate to one Narmbada Shankar, not the petitioner. It has also been submitted that there is no material on record to connect the petitioner with the present case, therefore, the charge framed against him requires to be quashed and set aside.

Learned Public Prosecutor has submitted that the order passed regarding framing of charge is based on material available on record. It has further been submitted that the suicidal note and the statements recorded under Sec.161 Cr.P.C. prima facie establish the fact that it was the petitioner only who was responsible for the suicide committed by the deceased.

I have considered the submissions made before me and carefully perused the file.

A perusal of the first information report clearly indicates that the deceased was driver on the truck of the petitioner as there appears number of the truck which is owned by the petitioner. The truck number that has been mentioned in the first information report is RJ-27-G-6750. It is also stated in the first information report that this was the truck in the ownership of petitioner Girdharilal Paliwal. The another piece of evidence prima facie available on record is suicidal note, which has been placed on file and is available at Page 25 clearly narrates the entire story that deceased was being harassed by the accused-petitioner. He was also beaten by him many a times and was also threatened that his wife will also be maltreated and raped by the petitioner. The suicidal note also makes a mention that a threat was given to deceased that he will be murdered by the petitioner. It also appears that the amount was required to be paid to the petitioner. I do not want to go into the

details of the suicidal note but it is suffice to say that the contention of the learned counsel that this suicidal note is not in relation to the petitioner, is having no substance. The position of law is almost settled on the point that at the stage of framing charge the courts are not required to see whether the facts alleged and sought to be proved by the prosecution prima facie disclose the commission of the offence on general consideration of the material placed before it (Kindly see: AIR 2005 SC 359 – State of Orissa Vs. Debendra Nath Padhi). A conjoint reading of the statements of the complainant Bheru Das and Ramesh Das clearly indicates that accused petitioner was harassing and beating the deceased and as a result of it deceased committed suicide.

After having considered the entire matter thoroughly I am of the opinion that prima facie there exists sufficient reasons for framing charge against the accused-petitioner and I do not find any

merit in this revision which is liable to be dismissed and is hereby dismissed.

(SATYA PRAKASH PATHAK)J.

/jpa